

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 0:23-cv-60484-AHS

JANY MAYO,

Plaintiff,

vs.

AMERICAN HEALTH REFORM SOLUTIONS, LLC  
d/b/a AMERICAN HEALTH MARKETPLACE,

Defendant.

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**DEFENDANT'S MOTION TO COMPEL PLAINTIFF  
TO EXECUTE MEDICAL RECORDS AUTHORIZATION**

Defendant, AMERICAN HEALTH REFORM SOLUTIONS, LLC d/b/a AMERICAN HEALTH MARKETPLACE, by and through undersigned counsel, moves to compel Plaintiff, JANY MAYO, to sign authorizations for Defendant to obtain copies of the Plaintiff's child's medical records and as grounds therefor states:

1. This case involves causes of action for FMLA interference and retaliation. The FMLA qualifying reason for leave in this matter is alleged to be the serious health condition of Plaintiff's child.
2. In her responses to Defendant's discovery, Plaintiff produced some medical records and identified, by way of interrogatory, the names of the treating physicians of the minor child.
3. Defendant believes that there are additional medical records for the minor child that would tend to prove or disprove the claims made in this matter. Specifically, Defendant seeks

documents that relate to (1) Plaintiff's minor child's serious health condition and (2) dates of physician visits related to care for the minor child's serious health condition.

4. The physicians all require a signed authorization from the individual recipient prior to the release of the individual's records. Redacted Authorizations, attached as Exhibit A.

5. In addition, Plaintiff's answers to interrogatories indicate she was paid unemployment benefits. The Department of Economic Opportunity requires a signed authorization for the release of these records. Redacted Authorizations, attached as Exhibit A.

6. The information contained in these records must be made available to Defendant for the Defendant to properly defend itself in the above-captioned suit.

7. The only means available to this Defendant to obtain Plaintiff's records from these entities is through authorizations signed by Plaintiff.

8. Defendant first requested Plaintiff sign said authorizations on November 16, 2023. Defendant then followed up with Plaintiff on November 30, 2023. Plaintiff neither objected nor returned any signed authorizations. Conferral Emails, attached as Composite Exhibit B.

9. Defendant then conferred with Plaintiff's counsel by telephone on December 8, 2023. On that call, Defendant agreed to allow Plaintiff until December 12, 2023, at noon to provide the authorizations or confirmation of her opposition. This deadline has passed. Conferral Emails, attached as Composite Exhibit B.

10. Prior to filing this motion on December 12, undersigned counsel conferred once more by email on Plaintiff's position to this relief. No position was taken other than to state Plaintiff's counsel was in an all-day deposition. Yet, as this motion shows, Plaintiff has had approximately one month to take a position or return the executed authorizations. While Defendant

is not insensitive to the burdens of this profession, it also cannot wait idly by while the discovery cutoff draws nearer.

11. Should the requested authorizations be received, Defendant will consider a withdrawal of this motion.

WHEREFORE, Defendant, AMERICAN HEALTH REFORM SOLUTIONS, LLC d/b/a AMERICAN HEALTH MARKETPLACE, requests this Court for the entry of an Order requiring Plaintiff, JANY MAYO, to sign HIPAA-compliant authorizations for utilizing with medical providers who require it, and to sign the authorizations for the release of her records from the Florida Department of Economic Opportunity.

**Local Rule 7.1(a)(3)**

Defendant has set forth its conferral in paragraphs 8-10 of this motion and attached as Exhibit B. In short, Defendant conferred or attempted to confer with Plaintiff's counsel by email on November 16 and 30, and December 12, 2023, and by telephone on December 8, 2023. Defendant is **unable to certify** whether Plaintiff consents to or opposes the relief requested.

Dated: December 12, 2023  
Boca Raton, FL

Respectfully submitted,

**Alex B.C. Ershock**

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